

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAVID WHITT,

Plaintiff,

CITY OF ST. LOUIS, *et al.*

Defendants.

Cause No. 4:18-CV-1294

DEFENDANTS' MOTION FOR EXTENSION OF TRIAL DATE

COME NOW Defendants Ryan Linhorst, Matthew Karnowski, and Matthew Shaw (collectively referred to herein as the "Defendants"), by and through their attorney, Matt Moak, City Counselor for the City of St. Louis, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, hereby submit their motion for extension of trial date, and in support thereof state:

1. This matter is scheduled for trial on July 19, 2021. (Doc. 74).
2. The parties' pre-trial filings are due next week, on June 29. (*See* doc. 74).
3. On March 29, 2021, Defendants' motion for summary judgment was fully briefed and submitted to the Court for review.
4. In their motion for summary judgment, Defendants argue, amongst other things, that they are entitled to qualified immunity from Plaintiff's claims.
5. To date, the Court has yet to rule on Defendants' motion for summary judgment.
6. If Defendants' motion for summary judgment is granted, the July 19 trial setting will be vacated. If the motion is denied, Defendants anticipate filing an interlocutory appeal based on qualified immunity. Therefore, it

is likely that however the Court rules on Defendants' motion for summary judgment, the trial date will be vacated.

7. In the interest of judicial economy, and to prevent duplicative and/or needless trial efforts and expenses, Defendants request the July 19 trial date be vacated and extended to at least 45 days after the Court's ruling on their motion for summary judgment.
8. Defendants have conferred with Plaintiff, who has advised he does not consent to this request for extension.
9. This request is made in good faith for the purpose of judicial economy and ease of litigation, and not for the purpose of undue delay.

WHEREFORE, for all of the reasons set forth above, Defendants respectfully request this honorable Court vacate the July 19 trial setting and extend the trial date until at least 45 days after the Court's ruling on Defendants' motion for summary judgment, and for any other relief this Court deems just and proper under the circumstances.

Respectfully Submitted,

MATT MOAK
CITY COUNSELOR

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CERTIFICATE OF SERVICE

I hereby certify the foregoing was electronically filed on June 23, 2021, with the Court for service by means of Notice of Electronic Filing upon all attorneys of record.

/s/ Abby Duncan